

**U.S. Department of Justice**



*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

January 18, 2023

**BY ECF AND EMAIL**

The Honorable Richard M. Berman  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re:    United States v. Robert Hadden, S2 20 Cr. 468 (RMB)**

Dear Judge Berman:

The Government respectfully submits this letter following the charge conference to advise the Court that the parties have conferred and come to agreement that, as to the first part of the Court's instruction on the first element of the statute, the Court should provide the instruction in the Court's jury charge provided to the parties this morning and instruct that: "The terms "persuaded" "induced" "enticed" and "coerced" have their plain and ordinary meanings." (Draft Jury Charge, 1/18/2023, at 12). The defense withdraws its request for the additional "synonyms" language.

The defense also advises that it understands the Court's additional rulings with respect to instructions on the first element of the statute (rejecting the defense's request for additional language pulled from the standard entrapment instruction and a specific instruction "that the defendant's provision of appropriate medical care, without more, cannot satisfy this element") (Defense objections explained at Dkt. 233-1 at 25-26). The defense continues to preserve these

requests for the record. The Government maintains its position that the Court's rejection of these defense requests was appropriate. (*See* Dkt. 233-1 at 24-27 & nn.9-12).

Respectfully submitted,

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cc: Defense Counsel (By Email and ECF)